

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SERGE L. GORNEFF,

Plaintiff,

-against-

MR. RUSLAN ILISHAYEV,
METROPOLITAN COMMERCIAL BANK, *et*
al.,

Defendants.

23-CV-10520 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging that Defendants violated his rights. The Court dismisses the complaint for the following reasons.

Plaintiff has previously submitted to this court a substantially similar complaint against Defendants asserting the same claims. That case is presently pending before this Court under docket number ECF 1:23-CV-9141.¹ As this complaint raises the same claims, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number ECF 1:23-CV-9141.

CONCLUSION

Plaintiff's complaint is dismissed as duplicative of ECF 1:23-CV-9141.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

¹ By order dated January 2, 2024, the Court dismissed Plaintiff's complaint for failure to state a claim but granted Plaintiff 30 days' leave to replead his state law claims in an amended complaint alleging facts demonstrating that the Court has diversity of citizenship jurisdiction of such claims. *See* ECF 1:23-CV-9141, 5 (S.D.N.Y. Jan. 2, 2024).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: January 16, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge